

BKL SF-4 1/31/07

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REMARKS

Claims 1-20 remain in the application.

§102 Rejections

Claims 1-7, 9, 11-16, 18 and 20 were rejected under §102 as anticipated by Jigamian. Jigamian discloses a battery-powered searchlight with an adjustable light level. The light level is determined by sustained pressure on a single switch, during which the intensity ramps up, with the intensity being set at the level at which the switch is released. Momentary operation of the same switch turns the lamp off, and back on at the last selected intensity (paragraph 82).

The rejection of claim 1 is in error because the cited reference does not disclose all of the elements of the claim.

Claim 1 has been amended to clarify the distinction from the cited reference, which has a very different function.

Applicant has amended claim 1 to clarify that the claimed switch operates to increment states through the sequence (and thus change brightness levels) for each "click". The cited reference changes brightness levels based on duration of pressure on the switch, which does not disclose the same function. The Jigamian device would not operate as claimed in response to a single momentary application and release of pressure, because its operating state is changed based on the duration of prolonged pressure, and a momentary depression serves only to turn the lamp on and off, not to change between different brightness levels.

In addition, applicant's "admitted prior art" does refer to flashlights with switches operating through a sequence of states. However, this refers to flashlights that provide differing illumination by operating different numbers of multiple lamps. This does not teach the claimed flashlight, which has a single lamp operated at differing brightness levels.

For the above reasons, claim 1 and its dependents should be allowable.

Claims 2-11 depend from claim 1 and should be allowable for the above reasons and because of the features set forth therein.

Claims 4-7 should be allowable for the additional reason that the action does not allege that the cited reference discloses a switch having a plurality of outputs connected to the controller.

BKL SF-4 1/31/07

PATENT

The rejection appears to rest on the notion that a "switch" is disclosed by the cited reference's button 88, resistor network 146, PLD 164 and "pulse width modular" 136. If so, this "switch" does not have the disclosed outputs connected to a controller, because all the controllers in the cited reference appear to be internal to the switch, and not connected externally as claimed.

Claim 9 should be allowable for the additional reason that the cited reference does not disclose a resistor network connected and operating as claimed. As with claim 4, the entire system claimed as a switch is not connected to a resistor network, because the alleged resistor network is contained within it.

Claim 12 has been amended for clarity, and should be allowable for the reasons set forth above with respect to claim 1, or because certain claimed elements are not disclosed in the cited reference.

Claims 13-20 depend from claim 12 and should be allowable for the above reasons and because of the features set forth therein.

Claim 14 should be allowable for the additional reason that the action argues in multiple instances that various elements (88, 164) constitute switches, yet argues for the purpose of claim 14 that the reference includes only a single switch.

Claim 15 should be allowable for the additional reason discussed above with respect to claim 4, in that a complex system is cited as a switch to provide the claimed functions in the parent claim, and this system does not have the claimed connections to other components.

Claim 16 should be allowable for the additional reasons discussed above with respect to claim 7.

Claim 18 should be allowable for the additional reason discussed above with respect to claim 9.

§103 Rejections

Claims 8, 10, 17 and 19 were rejected under §103 as unpatentable over Jigamian.

Claim 8 should be allowable because the action provides inadequate motivation to make the proposed modification of Jigamian, by substituting a multi-contact switch with a rotating element for the simple open-closed switch. The asserted motivations appear to be drawn in hindsight

BKL SF-4 1/31/07

PATENT

based on applicant's disclosure. In addition, the "single-button" simplicity motivation is inadequate because Jigamian is already single button operation, and thus lacks any motivation to change to a different switch type, because there is no evidence that the claimed switch type would provide any better flashlight adjustment in an emergency, nor that Jigamian lacks emergency adjustment.

Claim 10 should be allowable because the action provides inadequate motivation to make the proposed modification of Jigamian, to adopt an LED. This modification appears to be drawn in hindsight based on applicant's disclosure. Moreover, the reference teaches away from the adoption of an LED because there is no evidence that the function of a high brightness xenon arc light searchlight could be performed by an LED, regardless of efficiency. In addition, the action offers no evidence that an LED is more efficient than an arc lamp.

Claims 17 and 19 should be allowable for the reasons discussed above with respect to claims 8 and 10, respectively.

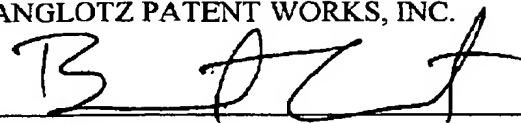
Claims 1, 2, 8, 12, 13 and 17 were rejected under §103 as unpatentable over applicant's admitted prior art. The rejection lumps together all of the claims, without pointing out where each of the claimed elements is disclosed in the admitted prior art. Moreover, the action does not reference specific elements or parts relied on admitted by applicant as required by 37 CFR 1.104c2. Applicant notes for the record that the words used by examiner were not used by applicant, and thus are not admitted. Moreover, the broad citation of extended paragraphs is inadequate to allow applicant to refute the assertions, because it is unclear what elements are being cited as disclosing claimed elements. This is especially problematic inasmuch as 6 different claims are rejected, but many of the claimed elements are not alleged to be disclosed in the Action's created list of "admitted" elements.

All pending claims should be allowable for the above reasons. Reconsideration of the application is respectfully requested.

BKL SF-4 1/31/07

PATENT

Respectfully submitted,
LANGLOTZ PATENT WORKS, INC.

A handwritten signature in black ink, appearing to read 'B K Langlotz', written over a horizontal line.

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